

# Exhibit B

14:29:33

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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF NEW YORK

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 MOOG INC., ) 22-CV-187  
 Plaintiff )

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vs.

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SKYRYSE, INC., et al ) Buffalo, New York  
 Defendant. ) November 10, 2022  
 3:00 p.m.

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**ORAL ARGUMENT**

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**Proceeding held via Zoom for Government Platform**  
**All parties appeared remotely.**

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TRANSCRIPT OF PROCEEDINGS  
 BEFORE THE HONORABLE JEREMIAH J. MCCARTHY  
 UNITED STATES MAGISTRATE JUDGE

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FOR PLAINTIFF: SHEPPHARD MULLIN RICHETER & HAMPTON, LLP  
 BY: RENA ANDOH, ESQ.  
 TRAVIS ANDERSON, ESQ.  
 KAZIM A. NAQVI, ESQ.

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FOR DEFENDANT: LATHAM & WATKINS, LLP  
 BY: GABRIEL S. GROSS, ESQ.  
 JOSEPH LEE, ESQ.  
 ARMAN ZAHOOORY, ESQ.  
 -and-  
 TERRANCE FLYNN, ESQ.  
 HARRIS BEACH, LLP

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FOR DEFENDANT  
 PILKINGTON/KIM: WINGET, SPADAFORA & SCHWARTZBERG, LLP  
 BY: ALEXANDER ASHER TRUITT, ESQ.  
 ANTHONY D. GREEN, ESQ.  
 ANNABEL MIRELES, ESQ.

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**COURT REPORTER: Karen J. Clark, Official Court Reporter**  
**Karenclark1013@AOL.com**

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15:29:59 2 these three laptops be produced, correct?

15:30:04 3 MR. NAQVI: That's correct, your Honor.

15:30:05 4 MAGISTRATE JUDGE MCCARTHY: All right. I

15:30:06 5 know that Moog's initial request was for many more

15:30:12 6 laptops to be imaged and produced. It was my

15:30:16 7 suggestion, and, granted, I did say on October 20th that

15:30:22 8 it was just a suggestion, and I would consider things

15:30:26 9 further, but I continue to believe that a narrowing it

15:30:32 10 to three laptops is a reasonable accommodation and I

15:30:37 11 think that a sufficient showing has been made as to

15:30:39 12 these three laptops, mainly Achar, Chung and Dao, that

15:30:46 13 those imaged versions should be produced to Moog. So, I

15:30:51 14 will order that.

15:30:53 15 Now, let's move onto the issue of the other

15:30:56 16 laptops.

15:30:59 17 MR. NAQVI: Thank you, your Honor. I'll --

15:31:01 18 this is a much briefer issue, as your Honor may

15:31:04 19 appreciate it.

15:31:05 20 So, for these five other laptops that have

15:31:08 21 been imaged, but not yet been produced, Skyrise does not

15:31:12 22 agree to provide anything, and, instead, is saying, we

15:31:15 23 will provide a file listing for the USB device that

15:31:19 24 these laptops were connected to. And, Moog, you can

15:31:22 25 review the file listing for the USB device, but not the

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15:39:30 2 of violations of that order. And we've done anything we  
15:39:34 3 can to get anything that hints of Moog out of the  
15:39:35 4 company's system. Skyrise never wanted it. It never  
15:39:40 5 wanted it. To get Moog it back. I can't prove the  
15:39:43 6 negative, as Mr. Naqvi challenged me to do, I can say  
15:39:48 7 that my client has done everything in its power to  
15:39:51 8 comply with the order.

15:39:52 9 MAGISTRATE JUDGE MCCARTHY: What I'm going  
15:39:54 10 to direct that as to the Brenes laptop, that you produce  
15:39:58 11 the file listings for Moog. And then we'll see where we  
15:40:04 12 go from there. And on the USB device, you're going to  
15:40:10 13 produce a connection logs, is that right?

15:40:13 14 MR. GROSS: We've offered to produce the  
15:40:15 15 file listings, your Honor. We thought the connection --

15:40:19 16 MAGISTRATE JUDGE MCCARTHY: File listing on  
15:40:21 17 the USB device. Okay. And then depending on what is  
15:40:25 18 shown or what is shown on the review of the mirror  
15:40:29 19 images of the three laptops that I've already directed  
15:40:31 20 you to produce, I may reconsider that ruling and extend  
15:40:37 21 it as to other laptops. But for now we're going to  
15:40:41 22 leave it at that.

15:40:43 23 MR. NAQVI: Your Honor, maybe, I appreciate  
15:40:47 24 where your Honor is landing on this. I do just want to  
15:40:49 25 discuss the connection log, because I do think that is

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18:09:32 2 MAGISTRATE JUDGE MCCARTHY: Okay. But so  
18:09:33 3 everybody understands, first of all, this is a motion  
18:09:37 4 for clarification. Nobody has formally responded.  
18:09:42 5 While we're all together, I guess, I'll hear briefly  
18:09:44 6 from you. But if the question is is Moog allowed to  
18:09:55 7 serve third-party subpoenas in order to identify the  
18:10:01 8 trade secrets that it claims to have been  
18:10:04 9 misappropriated, I guess my answer to that, and I think  
18:10:09 10 I alluded to that at our last conference, would be yes.  
18:10:13 11 But I am concerned that we not end up going down a whole  
18:10:18 12 different series of alleyways on this because, at some  
18:10:24 13 point, we have to bring the curtain down on  
18:10:26 14 identification trade secrets with the caveat that, as  
18:10:32 15 we've said from the get go, at some point you identify  
18:10:38 16 the trade secrets that you claim to have been  
18:10:40 17 misappropriated. If, thereafter, you find that there  
18:10:44 18 are other trade secrets, you can identify those for, you  
18:10:47 19 know, on a showing of good cause, which I think would  
18:10:50 20 be, you know, Judge Vilardo or I would be relatively  
18:10:56 21 open to. But, we're now, and it's not anybody's fault,  
18:11:00 22 but it is what it is. This action was commenced in  
18:11:03 23 March, I believe, and we're now in November, and we have  
18:11:08 24 no preliminary injunction hearing scheduled. I guess it  
18:11:14 25 remains an open issue of whether that hearing will be

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18:21:32 2 right. And, again, obviously, if Judge Vilardo would  
18:21:38 3 send this case elsewhere in the interim, I'll take it  
18:21:41 4 out. But I have no indication from him one way or the  
18:21:46 5 other what he plans to do.

18:21:49 6 So, all right, folks, I do appreciate that  
18:21:53 7 you disagree on issues, but you've done a good job on  
18:21:57 8 working through a lot of issues with each other and I  
18:22:02 9 encourage you to continue doing so. So, thank you all.

18:22:07 10 MR. GROSS: All right. Thank you, your  
18:22:08 11 Honor.

18:22:08 12 MS. ANDOH: Thank you, your Honor.

18:22:09 13 MR. TRUITT: Thank you, your Honor.

18:22:11 14 MAGISTRATE JUDGE MCCARTHY: Take care.

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16 CERTIFICATE OF REPORTER

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18 I certify that the foregoing is a correct transcript  
19 of the record to the best of my ability of proceedings  
20 transcribed from the audio in the above-entitled matter.

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22 S/ Karen J. Clark, RPR

23 Official Court Reporter  
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